

Appln. No.: 09/474,642
Amdt. Dated June 14, 2004
Reply to Office Action dated March 12, 2004

Remarks/Arguments

Claims 1, 3, 6-7, 9-17, and 19-20 are currently pending. Claims 2, 4, 5, 8, 18 and 21 have been cancelled. Independent claims 1, 7, 17, and 20 have been amended to include the elements of claims 2, 8, 18 and 21 respectively.

Claims 10 stands rejected under 35 U.S.C. 102. This rejection is respectfully traversed.

The Examiner is reminded in the case of *In re Beauregard* 35 USPQ 2d 1383, 1384 (Fed. Cir. 1995) the Commissioner of Patents agreed:

that computer programs embodied in a tangible medium, such as floppy diskettes, are patentable subject matter under 35 U.S.C. §101 and must be examined under 35 U.S.C. §§ 102 and 103.

In view of the above, withdrawal of the rejection of claim 10 under 35 U.S.C. §101 is requested.

Claims 1-21 stand rejected under 35 U.S.C. 112, second paragraph, for being indefinite. In response, the Applicant traverses the Examiner's position that the claims must include an identification of "who" sets up the account. The Applicant is entitled to claim the invention as broad as desired as long as one skilled in the art is able to understand the invention. Each of claims 1, 7, 17 and 20 fully meets the requirements of 35 U.S.C. §112, 2nd paragraph and the Examiner cannot force unnecessary limitations to be added to the claims.

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Claims 1-4, 7-8, and 10-21 stand rejected under 35 U.S.C. 102(e) as being anticipated by Lewis. This rejection is respectfully traversed.

Each of independent claims 1, 7, 17 and 20 has been amended to recite that a refund is provided by adding postage to the vault of the postage meter. In Lewis, postage refunds are given by sending a check or by crediting a credit or debit account. There is no disclosure or suggestion in Lewis that postage be added to the customer vault 20_n to satisfy the refund request. That is, the descending register 22 of vault 20_n is never increased by the refund amount. The refund is handled off-line by a separate transaction (mail check or credit a credit or debit account). The instant invention significantly simplifies the infrastructure needed for postage refunds.

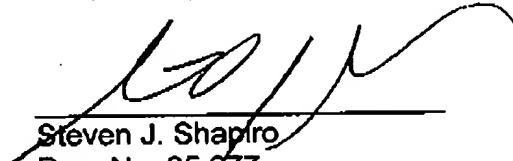
Since the reference used in a 102(e) rejection must teach each and every claim limitation, it is submitted that Lewis is deficient for not teaching or suggesting providing the refund directly to the postage meter by adding postage to its vault. It is thus submitted that independent claims 1, 7, 10, 17, and 20 are neither anticipated by nor rendered obvious in view of Lewis. Further, claims 3, 6, 9, 10, 11, 12, 13, 17, 15, 16, and 19 are all patentable based on their respective dependency from one of the aforementioned independent claims.

Claims 5-6 and 9 stand rejected under 35 U.S.C. §103(a) in view of Lewis. Since Lewis is deficient for the reasons discussed above, it is submitted that claims 6 and 9 are each patentable based on their respective dependency from independent claims 1 and 7.

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In view of the foregoing amendments and remarks, it is respectfully submitted that the claims of this application are now in a condition for allowance and favorable action thereon is requested.

Respectfully submitted,



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